declared value of the shipment, the vessel name, the port of entry, and the pre-confirmed individual contract pursuant to which the shipment is entering. If such information is consistent with a pre-confirmed contract and the notice of request for delivery from the end-user, the Department will notify the U.S. Customs Service within five business days. The importer will provide certification to U.S. Customs at time of import that the material will be used only for a sale subject to the conditions of this Agreement and will be consumed in accordance with Section II(f) of this Agreement. The Department will instruct Customs to promptly release the shipment once the Department has confirmed that Customs has received the foregoing notification and certification.

4. The following language replaces Paragraph D of Section VII, ''Anticircumvention,'':

D. In addition to the above requirements, the Department shall direct the U.S. Customs Service to require all importers of uranium into the United States, regardless of stated country of origin, to submit at the time of entry written statements certifying the following:

(A) The country(ies) in which the ore was mined and, if applicable, converted, enriched, and/or fabricated, for all imports; and

(B) That the uranium being imported was not obtained under any arrangement, swap, or other exchange designed to circumvent the export limits for uranium of Uzbek origin established by this agreement.

Where there is reason to believe that such a certification has been made falsely, the Department will refer the matter to Customs or the Department of Justice for further action.

5. The following paragraph constitutes an addendum to Section VIII of the Agreement:

Uzbekistan agrees to adhere to all reporting requirements specified in Section VIII.A. of the Agreement. Appendix B data will be submitted to the Department according to the reporting requirements specified in Section VIII.A. of the Agreement, and will be treated and subject to verification by the Department in accordance with the terms of the agreement.

6. Section XIV of the Agreement is amended by adding the following:

C. The parties agree to consult on a regular basis during the term of this Agreement on Uzbekistan being treated as a market economy, or the Uzbek uranium industry being treated as a market-oriented industry, under U.S. antidumping laws. During such consultations the Department will identify the criteria that Uzbekistan or the Uzbek uranium industry would need to satisfy to be accorded such treatment by the Department.

The parties further agree that their intention is, consistent with Section IV.J of the Agreement, that Uzbekistan be accorded treatment no less favorable than any other Republic of the former Soviet Union that also has a suspension agreement with the United States with respect to trade in uranium. Accordingly, if U.S. law, regulation, administrative practice, or policy should change in any manner that would result in relatively less favorable treatment for Uzbekistan, or if the United States should enter into any agreement or understanding or take any action that would cause that result, the parties will promptly enter into consultations with a view to amending this Agreement so as to eliminate such less favorable treatment.

7. The parties agree that this Amendment constitutes an integral part of the Agreement.

8. The English language version of this Amendment shall be controlling.

9. This Amendment is effective as of October 13, 1995.

Signed on this 13th day of October, 1995.

For the Government of Uzbekistan.

Nikolay I. Kuchersky.

For the United States Department of Commerce.

Paul L. Joffe,

Deputy Assistant Secretary for Import Administration.

UZBEKISTAN APPENDIX A

U.S. production levels (annual lbs. U_3O_8 e)	Quota (annual lbs. U_3O_8 e)
3,000,001–3,500,000	600,000
3,500,001–4,000,000	750,000
4,000,001–4,500,000	775,000
4,500,001–5,000,000	800,000
5,000,001–5,500,000	825,000
5,500,001–6,000,000	850,000
6,000,001–6,500,000	875,000
6,500,001–7,000,000	900,000
7,000,001–7,500,000	925,000
7,500,001–8,000,000	950,000
8,000,001–8,500,000	975,000
8,500,001–9,000,000	1,000,000
9,000,001+	Unlimited

[FR Doc. 95–26736 Filed 10–26–95; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of Arbitration Panel Decision Under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on May 5, 1994, an arbitration panel rendered a decision in the matter of *Maryland State Department of Education, Division of Vocational Rehabilitation Services* v. *United States Department of Veterans Affairs (Docket No. R-S/92–11).* This panel was convened by the Secretary of the U.S. Department of Education pursuant to the Randolph Sheppard Act (the Act), 20 U.S.C. 107d-1(b), upon receipt of a complaint filed by the Maryland State Department of Education, Division of Vocational Rehabilitation Services (DORS). The Act creates a priority for blind individuals to operate vending facilities on Federal property. Under section 107d-1(b) of the Act, the State licensing agency (SLA) may file a complaint with the Secretary if the SLA determines that an agency managing or controlling Federal property fails to comply with the Act or regulations implementing the Act. The Secretary then is required to convene an arbitration panel to resolve the dispute.

FOR FURTHER INFORMATION CONTACT: A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3230, Switzer Building, Washington, D.C. 20202–2738. Telephone: (202) 205–9317. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8298.

SUPPLEMENTARY INFORMATION: Pursuant to the Randolph-Sheppard Act, 20 U.S.C. 107d–2(c), the Secretary publishes a synopsis of arbitration panel decisions affecting the administration of vending facilities on Federal and other property.

Background

In August of 1987, the Department of Veterans Affairs (DVA) began construction of a new Veterans Affairs Medical Center (VAMC) at 10 N. Greene Street in Baltimore, Maryland. Space allocation in the building was completed in 1985, and a final design was completed in 1989. The building's construction was completed in July 1992, and the DVA began occupying the building in January 1993.

Prior to 1993, the DVA operated a DVA Medical Center at 3900 Loch Raven Boulevard in Baltimore. The new facility has substantially more square footage than the older medical center. The new facility also includes a retail store, a cafeteria, and vending machines that are operated by the Veterans Canteen Service (VCS).

By letter dated December 2, 1991, DORS applied to the DVA for a permit to operate a Randolph-Sheppard vending facility at the new VAMC in Baltimore. DORS followed up with two additional inquiries regarding the new medical center. Subsequently, DVA responded by letter dated April 6, 1992, denying the request for a permit. DVA's stated reason for denying the DORS' request for a permit was that its authorizing statute, 38 U.S.C. 8110(c), gave DVA the exclusive right to determine whether an activity, including vending facilities, at any of its medical centers would be performed by Federal or non-Federal personnel.

On June 24, 1992, DORS filed a complaint with the Secretary of the Department of Education requesting that an arbitration panel be convened. A hearing on this matter was held on July 19 and 20, 1993.

Arbitration Panel Decision

The arbitration panel in a majority opinion found that the Randolph-Sheppard Act applies to any and all Federal departments, agencies, and instrumentalities in control of any Federal property, citing 20 U.S.C. 107 *et seq.* and *Minnesota* v. *Riley*, 18 F.3d 606, 609 (8th Cir. 1994).

The panel ruled that the Randolph-Sheppard Act and its implementing regulations established a system under which the Secretary of Education promulgates and administers uniform procedures for the establishment of Randolph-Sheppard vending facilities. (20 U.S.C. 107(b)) The Act contains an ''escape clause'' allowing limitations on the placement of vending facilities, but only if the Secretary of Education specifically finds that the absence of such a limitation would adversely affect the interests of the United States. (20 U.S.C. 107(b)) The panel noted that the DVA has not applied for an exemption from any of the requirements of the Randolph-Sheppard Act.

DVA's argument was that it was not required to apply for such a limitation, citing its own statute, 38 U.S.C. 8110(c). However, the panel rejected this argument, citing *Minnesota* v. *Riley*, which ruled that the Congressional intent to apply the Randolph-Sheppard Act to the VCS is clear from the language of the Act. The panel further stated that section 8110(c) was intended to limit contracting out of services directly related to patient care, not to preclude the issuance of permits for Randolph-Sheppard vending facilities.

Therefore, the panel ruled that the Randolph-Sheppard Act applies to Department of Veterans Affairs medical centers and that section 8110(c) does not exempt VAMC Baltimore from the Randolph-Sheppard Act's requirements.

Accordingly, in an unanimous award the arbitration panel ruled on May 5, 1994, that the parties should enter into negotiations whereby a permit would be issued to allow DORS and its licensed blind vendor or vendors to operate the retail store at VAMC. The parties were to agree upon a permit on or before June 1, 1994, which the panel would adopt as its final award. However, if a permit could not be agreed upon by June 1, 1994, then each party was instructed to submit a proposed permit to the panel on or before June 15, 1994. The proposed permit that received the majority approval of the panel would be adopted as the final award of the panel.

Following the May 5 panel award, DVA submitted a Motion for Reconsideration, which was subsequently denied by the panel. DORS then submitted to the panel its proposed permit in accordance with the May 5 award. In an order dated October 15, 1994, a majority of the panel adopted this proposed permit. The panel instructed DVA that, on or before October 20, 1994, it should turn over the operation of the retail store at VAMC Baltimore to DORS, effective January 1, 1995.

One panel member dissented regarding the denial of the Motion for Reconsideration and from the final award.

On January 3, 1995, the Maryland State Department of Education, Division of Vocational Rehabilitation sought relief in the United States District Court of Maryland against the Department of Veterans Affairs requesting enforcement of the final arbitration award directing DVA to permit a blind vendor to operate a retail store at the VAMC.

On August 17, 1995, the court found that the arbitration panel had no authority under the Act to order DVA to turn over the retail store to DORS. *Maryland State Department of Education, Division of Rehabilitation Services* v. *U.S. Department of Veterans Affairs*, C.A. No. K–95–8 (D.MD. order entered 8–17–95). The court ruled that the panel's authority under the Act is limited to determining whether the agency's actions violated the Act. According to the court, the Act leaves the responsibility for remedying violations to the Federal entity itself.

The views and opinions expressed by the arbitration panel do not necessarily represent the views and opinions of the U. S. Department of Education.

Dated: October 23, 1995.

Howard R. Moses,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 95–26700 Filed 10–26–95; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Arms Control and Nonproliferation Policy

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed ''subsequent arrangement'' under the Agreement for Cooperation between the Government of the United States of America and Government of Sweden concerning Peaceful Uses of Nuclear Energy, and the Additional Agreement for Cooperation between the Government of the United States of America and the Government of the Republic of Korea concerning Civil uses of Nuclear Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/KO(SW)-1, for the transfer of 18.905 kilograms of uranium containing 0.718 kilograms of the isotope uranium-235 (3.8 percent enrichment) from Sweden to Korea for fuel production.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, D.C. on October 23, 1996.

Edward T. Fei,

Deputy Director, International Policy and Analysis Division, Office of Arms Control and Nonproliferation.

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